

April 13, 2021

By ECF

Honorable Paul A. Engelmayer
United States District Judge
Eastern District of New York
Sitting by designation
40 Foley Square
New York, NY 10007

Re: *United States v. Lucio Celli*, 19 Cr. 127 (PAE)

Your Honor:

I write respectfully to request two modifications to Lucio Celli's bail described below.

First, I request permission for Mr. Celli to file a complaint under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364, following the procedures stated on the Second Circuit's website.¹ The procedures provide for complaints to be submitted by U.S. mail. Mr. Celli wishes to file a complaint alleging misconduct by this Court, the Honorable Ann M. Donnelly, the Honorable Vera M. Scanlon, and possibly another judge in the Eastern District of New York. Pretrial Services consents to this request "on the condition that [Mr. Celli] does not use any kind or make any threatening statements to or about anyone in his letter." The government defers to Pretrial's position. Although Mr. Celli's bond, which is attached as Exhibit A, places no limits on his contact with the courthouse, based on guidance provided by Judge Donnelly, the parties understand that Mr. Celli should receive judicial permission before he contacts the courthouse. This Court previously granted a similar request for Mr. Celli to contact the courthouse to commence a new civil action. (Dkt. 97.)

Second, Mr. Celli seeks permission to contact each of the judges composing the Judicial Conference of the United States by U.S. mail to complain about what he views as ongoing injustices. A full list of the relevant judges is attached as Exhibit B. Pretrial

¹ Available at www.ca2.uscourts.gov/judges/judicial_conduct.html.

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Services and the government both oppose this request.

I have conferred with Pretrial Services Officer Ramel Moore and Assistant United States Attorney Anna Karamigios. Pretrial Services and the government both consent to the first request – for Mr. Celli to file a judicial misconduct complaint following the procedures stated on the Second Circuit’s website – and oppose the latter request.

Thank you for your consideration.

Respectfully submitted,

/s/ Benjamin Silverman
Benjamin Silverman
Attorney for Lucio Celli

cc: Counsel of record (by ECF)
Pretrial Officer Ramel Moore (by email)

Exhibit A

United States District Court, Eastern District of New York

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE
AND APPEARANCE BOND

Lucio Celli

Defendant.

Case Number:

19CR127(AMD)

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

☐ Upon Personal Recognizance Bond on his/her promise to appear at all scheduled proceedings as required, or☒ Upon Bond executed by the defendant in the amount of \$ _____, and
secured by ☐ financially responsible sureties listed below and/or ☒ collateral set forth below.

\$ 150,000

Additional Conditions of ReleaseThe Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows: SDNYCJ

- ☒ 1. The defendant must remain in and may not leave the following areas without Court permission: ☒ New York City; ☒ Long Island, NY; ☐ New York State; ☐ New Jersey; ☐ _____ and travel to and from this Court and the permitted areas.
- ☐ 2. The defendant must avoid all contact with the following persons or entities: _____
- ☐ 3. The defendant must avoid and not go to any of the following locations: _____
- ☒ 4. The defendant must surrender all passports to Pretrial Services by _____ and not obtain other passports or international travel documents.
- ☒ 5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
- ☒ a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;
 - ☒ b. must report ☒ as directed by Pretrial Services or ☐ in person _____ times per _____ and/or ☐ by telephone _____ times per _____.
 - ☒ c. must undergo ☒ testing, ☒ evaluation and/or ☒ treatment for substance abuse, including alcoholism, as directed by Pretrial Services.
 - ☒ d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
 - ☒ e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
 - ☐ home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;
 - ☒ home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, ☐ religious services, ☒ employment, ☐ school or training, ☒ other activities approved by Pretrial Services, ☐ _____
 - ☐ curfew: restricted to home every day from _____ to _____, or ☐ as directed by Pretrial Services.
 - ☐ Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/or from available insurance.
- ☒ 6. Other Conditions: no internet access; reside with parents; parents to serve as 2nd party custodians

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ 150,000 and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

☒ cash deposited in the Registry of the Court in the sum of \$ 75,000☒ premises located at: 89 W. 125th St. Wappinger Falls, NY 12590 owned by Gino Celli☒ I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 4/12/19.

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

Date

Fernando Celli

, Surety

Address:

89 W 125th St Wappinger Falls NY 125903/29/19

Gino Celli

, Surety

Address:

89 W 125th St Wappinger Falls NY 125903/29/19

Address:

Gino Celli

, Surety

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

Release of the Defendant is hereby ordered on

03/29/2019

Signature of Defendant

s/ SJB

US 7J

Distribution: Canary - Court Pink - Pretrial Services Goldenrod - Defendant

STANDARD CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the Court, the Pretrial Services office, defense Counsel and the U.S. Attorney in writing before making any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender for service of any sentence imposed as directed.
- (5) The defendant must refrain from use or unlawful possession of a narcotic drug or other controlled substances as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (6) If the defendant fails to report as required to the Pretrial Services Agency, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
- (7) The defendant must not possess a firearm, destructive device, or other weapon.

SPECIAL CONDITIONS OF RELEASE FOR TESTING, TREATMENT OR EVALUATION AND FOR LOCATION MONITORING

1. If the defendant fails to appear for any specified treatment or evaluation, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
2. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, as determined by Pretrial Services.
3. If defendant is subject to a location restriction program or location monitoring, defendant must:
 - (a) stay at his/her residence at all times except for approved activities and may not leave for approved activities without providing prior notice to Pretrial Services, except in cases of medical emergencies.
 - (b) abide by all program requirements and instructions provided by Pretrial Services relating to the operation of monitoring technology. Unless specifically ordered by the court, Pretrial Services may require use of one of the following or comparable monitoring technology: Radio Frequency (RF) monitoring; Passive Global Positioning Satellite (GPS) monitoring; Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS); Voice Recognition monitoring.

FORFEITURE OF THE BOND

This appearance bond may be forfeited if the defendant does not comply with the conditions of release set forth in this Order Setting Conditions of Release and Bond. The court may immediately order the amount of the bond and any Collateral surrendered to the United States if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

RELEASE OF THE BOND

This appearance bond may be terminated at any time by the Court. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT

Defendant is advised that violating any of the foregoing conditions of release may result in the immediate issuance of a warrant of arrest, a revocation of the order of release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if defendant commits a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence defendant may receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, defendant knowingly fails to appear as the conditions of release require, or to surrender to serve a sentence, defendant may be prosecuted for failing to appear or surrender and additional punishment may be imposed, whether or not the defendant is convicted of the pending charges. If defendant is convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – defendant will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – defendant will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – defendant will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – defendant will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence imposed. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Exhibit B

JUDICIAL CONFERENCE OF THE UNITED STATES

April 2021

Chief Justice John G. Roberts, Jr., Presiding

Chief Judge Jeffrey R. Howard Chief Judge Gustavo A. Gelpí, Jr.	First Circuit District of Puerto Rico
Chief Judge Debra Ann Livingston Chief Judge Stefan R. Underhill	Second Circuit District of Connecticut
Chief Judge D. Brooks Smith Chief Judge Freda L. Wolfson	Third Circuit District of New Jersey
Chief Judge Roger L. Gregory Judge John Bailey	Fourth Circuit Northern District of West Virginia
Chief Judge Priscilla Richman Owen Chief Judge S. Maurice Hicks, Jr.	Fifth Circuit Western District of Louisiana
Chief Judge Ransey Guy Cole, Jr. Judge Sara Lioi	Sixth Circuit Northern District of Ohio
Chief Judge Diane S. Sykes Chief Judge Rebecca R. Pallmeyer	Seventh Circuit Northern District of Illinois
Chief Judge Lavenski R. Smith Chief Judge John R. Tunheim	Eighth Circuit District of Minnesota
Chief Judge Sidney R. Thomas Judge Rosanna Malouf Peterson	Ninth Circuit Eastern District of Washington
Chief Judge Timothy M. Tymkovich Judge Claire V. Eagan	Tenth Circuit Northern District of Oklahoma
Chief Judge William H. Pryor, Jr. Chief Judge Scott Coogler	Eleventh Circuit Northern District of Alabama
Chief Judge Srikanth Srinivasan Chief Judge Beryl A. Howell	District of Columbia Circuit District of Columbia
Chief Judge Sharon Prost	Federal Circuit
Chief Judge Mark A. Barnett	Court of International Trade

Conference Secretary:
Judge Roslynn R. Mauskopf, Director
Administrative Office of the U.S. Courts

Judge Nannette A. Baker Magistrate Judge Observer	Eastern District of Missouri
Chief Judge Jeffery P. Hopkins Bankruptcy Judge Observer	Southern District of Ohio